

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth*

*Legislature*

OF THE

STATE OF MAINE

1973

KENNEBEC JOURNAL  
AUGUSTA, MAINE

### SENATE

Monday, March 19, 1973

Senate called to order by the President.

Prayer by Honorable Armand J. Fortier of Rumford.

Reading of the Journal of yesterday.

#### Papers from the House Non-concurrent Matter

Joint Order (S. P. 423) relative to Joint Standing Committee on Election Laws report out a resolution proposing an amendment to the Constitution to change the time for filing an initiative petition.

In the Senate March 8, 1973, Read and Passed.

Comes from the House, Indefinitely Postponed, in non-concurrence.

Thereupon, on motion by Mr. Shute of Franklin, the Senate voted to Recede and Concur.

#### House Papers

Bills and Resolution today received from the House requiring Reference to Committees were acted upon in concurrence.

#### Senate Papers Appropriations and Financial Affairs

Mr. Morrell of Cumberland presented Bill, "An Act Appropriating Funds for Medical Care Development, Incorporated." (S. P. 468)

Which was referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Sent down for concurrence.

#### Judiciary

Mr. Brennan of Cumberland presented Bill, "An Act to Amend the Personal Property and Homestead Exemption Laws to Provide for Realistic and Liberalized Exemptions." (S. P. 462)

Which was referred to the Committee on Judiciary and Ordered Printed.

Sent down for concurrence.

#### Natural Resources

Mr. Richardson of Cumberland presented Bill, "An Act to Establish the Saco River Corridor." (S. P. 469)

Which was referred to the Committee on Natural Resources and Ordered Printed.

Sent down for concurrence.

#### State Government

Mr. Katz of Kennebec presented Bill, "An Act Relating to Legislative Counsel or Agents." (S. P. 463)

Mr. Brennan of Cumberland presented Bill, "An Act Establishing a Consumers' Council." (S. P. 464)

Mr. Sewall of Penobscot presented Bill, "An Act to Create a Department of Conservation." (S. P. 465)

Mr. Conley of Cumberland presented Bill, "An Act Establishing a Comprehensive Health Insurance Program for the State of Maine." (S. P. 470)

Which were referred to the Committee on State Government and Ordered Printed.

Sent down for concurrence.

#### Joint Resolution

Mr. Tanous of Penobscot presented the following Joint Resolution and moved its adoption:

#### STATE OF MAINE

In the Year of Our Lord One Thousand Nine

Hundred and Seventy-Three

In Memoriam

WHEREAS, the Legislature has learned with extreme regret of the death of the Honorable John F. Ward of Millinocket; and

WHEREAS, John was a prominent lawyer Legislator and lobbyist who contributed generously in the cause of human progress and dignity; and

WHEREAS, he had the unique distinction of having presided over both houses of the State Legislature in the course of his dozen years of legislative service; and

WHEREAS, the tablets of memory reflect a lifetime of distinguished and honorable service to his community and State; now, therefore, be it

RESOLVED: That We, the Members of the 106th Legislature assembled this day in regular session, pause in our deliberations to tender a lasting token of our deepest affection to honor the memory of a colleague and leader of former years whose life has

enriched many lives and to express a common sorrow and sadness at the loss of a dear friend and trusted companion; and be it further

**RESOLVED:** That copies of this Joint Resolution, suitably engrossed, be immediately transmitted by the Secretary of State to the family of the deceased as a lasting token of our esteem. (S. P. 471)

Which was Read and Adopted.

Sent down for concurrence.

#### **Committee Appointments**

Pursuant to the authority contained in Joint Order (S. P. 393), the President appointed on the part of the Senate to the Joint Committee to arrange a Maine Viet Nam Day the following:

Senators:

RICHARDSON  
of Cumberland  
SHUTE of Franklin  
DANTON of York

#### **Committee Reports**

The following Ought Not to Pass reports shall be placed in the legislative files without further action pursuant to Rule 17-A of the Joint Rules:

Bill, "An Act Relating to Powers of Maine Insurance Advisory Board as to Workmen's Compensation for State Employees." (H. P. 124) (L. D. 148)

Bill "An Act Regulating Motor Vehicle Used to Transport Railroad Employees to and from Work." (H. P. 545) (L. D. 726)

Bill, "An Act Relating to Voters Resigning or Removed from Voting Lists." (H. P. 686) (L. D. 893)

#### **Leave to Withdraw**

The Committee on Election Laws on Bill, "An Act Providing for a Secondary Primary Election." (H. P. 737) (L. D. 940)

Reported that the same be granted Leave to Withdraw.

The Committee on Public Utilities on Bill, "An Act Providing for Interbasin Transfer of Water by the Aroostook-Prestile Sanitary District." (H. P. 471) (L. D. 619)

Reported that the same be granted Leave to Withdraw.

The Committee on Fisheries and Wildlife on Bill, "An Act Providing

Free Hunting and Fishing Licenses to Domiciled Maine Veterans 65 Years of Age or Older." (H. P. 260) (L. D. 340)

Reported that the same be granted Leave to Withdraw.

The Committee on Public Utilities on Bill, "An Act to Regulate Sewer Utilities" (H. P. 190) (L. D. 266)

Reported that the same be granted Leave to Withdraw.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

#### **Leave to Withdraw — Covered by Other Legislation**

The Committee on Fisheries and Wildlife on Bill "An Act Increasing Non-resident Big Game Hunting License Fees." (H. P. 102) (L. D. 122)

Reported that the same be granted Leave to Withdraw, Covered by Other Legislation.

The Committee on County Government on Bill, "An Act Increasing Salary of Treasurer of Cumberland County." (H. P. 118) (L. D. 142)

Reported that the same be granted Leave to Withdraw, Covered by Other Legislation.

The Committee on County Government on Bill, "An Act Increasing Salary of Register of Deeds of Cumberland County." (H. P. 378) (L. D. 507)

Reported that the same be granted Leave to Withdraw, Covered by Other Legislation.

The Committee on County Government on Bill, "An Act Increasing Salary of Deputy Register of Deeds of Cumberland County." (H. P. 683) (L. D. 890)

Reported that the same be granted Leave to Withdraw, Covered by Other Legislation.

The Committee on County Government on Bill, "An Act to Increase Salary of Register of Probate of Cumberland County." (H. P. 700) (L. D. 905)

Reported that the same be granted Leave to Withdraw, Covered by Other Legislation.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

### Ought to Pass

The Committee on Appropriations and Financial Affairs on Bill, "An Act Relating to Costs of Administration of Food Stamp Program." (H. P. 165) (L. D. 207)

Reported that the same Ought to Pass.

The Committee on Business Legislation on Bill, "An Act Relating to Health Insurance Policy Reserves." (H. P. 535) (L. D. 717)

Reported that the same Ought to Pass.

The Committee on Business Legislation on Bill, "An Act Relating to Definition of Dependent under Group Life Insurance Policies." (H. P. 534) (L. D. 716)

Reported that the same Ought to Pass.

The Committee on Education on Bill, "An Act Increasing Borrowing Capacity of Town of Old Orchard Beach School District." (H. P. 520) (L. D. 685)

Reported that the same Ought to Pass.

The Committee on Education on Bill, "An Act to Increase Borrowing Capacity of Brewer High School District." (H. P. 466) (L. D. 614)

Reported that the same Ought to Pass.

Come from the House, the Bills Passed to be Engrossed.

Which reports were Read and Accepted in concurrence, the Bills Read Once and Tomorrow Assigned for Second Reading.

### Ought to Pass — As Amended

The Committee on Legal Affairs on Bill, "An Act Relating to Disclosure of Vital Records." (H. P. 539) (L. D. 721)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-92).

The Committee on Human Resources on Bill, "An Act Relating to Compensation of Election Commissioners and Clerks of the Indian Voting Districts." (H. P. 613) (L. D. 811)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-93).

The Committee on Human Resources on Bill, "An Act Relating to Tribal Elections, Governor

and Council of the Penobscot Tribe of Indians." (H. P. 243) (L. D. 325)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-91).

Come from the House, the Bills Passed to be Engrossed as Amended by Committee Amendments "A".

Which reports were Read and Accepted in concurrence and the Bills Read Once. Committee Amendments "A" were Read and Adopted in concurrence and the Bills, as Amended, Tomorrow Assigned for Second Reading.

### Ought to Pass in New Draft

The Committee on County Government on Bill, "An Act to Permit County Commissioners to Assess Townships for Use of Dumps." (H. P. 207) (L. D. 280)

Reported that the same Ought to Pass in New Draft under New Title: "An Act to Permit County Commissioners to Contract with Municipalities for Use of Public Dumps and to Assess Costs of Public Dumps." (H. P. 1162) (L. D. 1374)

Comes from the House, the Bill in New Draft Passed to be Engrossed.

Which report was Read and Accepted in concurrence, the Bill in New Draft Read Once and Tomorrow Assigned for Second Reading.

### Divided Report

The Majority of the Committee on Health and Institutional Services on Bill, "An Act Relating to Selecting Chairman of and Length of Tenure of the Members of the State Board of Hairdressers." (H. P. 315) (L. D. 433)

Reported that the same Ought Not to Pass.

Signed:

Senators:

HICHENS of York  
GREELEY of Waldo  
MINKOWSKY

of Androscoggin

Representatives:

DYAR of Strong  
SANTORO of Portland  
BERRY of Madison  
McCORMICK of Union  
LEWIS of Bristol

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-79).

Signed:

Representatives:

WHITZELL of Gardiner  
MORIN

of Old Orchard Beach  
LaPOINTE of Portland  
GOODWIN

of South Berwick  
SOULAS of Bangor

Comes from the House, the Minority report Read and Accepted and the Bill Passed to be Engrossed.

Which reports were Read, and the Majority Ought to Pass Report of the Committee Accepted in non-concurrence.

Sent down for concurrence.

#### Divided Report

The Majority of the Committee on Education on Resolution, Proposing an Amendment to the Constitution Pledging Credit of the State for Revenue Bonds to be Issued by the Maine School Building Authority for Public and Private Institutions of Higher Education and for Public Post-Secondary Business, Trade, Vocational and Technical Schools. (H. P. 391) (L. D. 520)

Reported that the same Ought to Pass.

Signed:

Senators:

KATZ of Kennebec  
MINKOWSKY  
of Androscoggin

Representatives:

TYNDALE  
of Kennebunkport  
BITHER of Houlton  
FERRIS of Waterville  
MURRAY of Bangor  
LEWIS of Auburn  
GAHAGAN of Caribou  
LeBLANC of Van Buren  
LaCHARITE of Brunswick

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

Signed:

Senator:

OLFENE of Androscoggin

Representatives:

LAWRY of Fairfield  
LYNCH

of Livermore Falls  
Comes from the House, the Majority report Read and Accepted and the Bill Passed to be Engrossed.

Which reports were Read.

Thereupon, on motion by Mr. Minkowsky of Androscoggin, tabled and Specially Assigned for March 21, 1973, pending Acceptance of Either Report.

#### Divided Report

The Majority of the Committee on Fisheries and Wildlife on Bill, "An Act Relating to Use of Snowmobiles During the Deer Season." (H. P. 309) (L. D. 411)

Reported that the same Ought to Pass.

Signed:

Senators:

ANDERSON of Hancock  
ALDRICH of Oxford

Representatives:

PARKS of Presque Isle  
KELLEY of Southport  
CAMERON of Lincoln  
WALKER of Island Falls  
MILLS of Eastport  
MORIN of Fort Kent

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

Signed:

Senator:

GRAFFAM

of Cumberland

Representatives:

CHURCHILL of Orland  
DOW of West Gardiner  
GOOD of Westfield

Comes from the House, Bill and reports Indefinitely Postponed.

Which reports were Read.

Thereupon, on motion by Mr. Berry of Cumberland, the Majority Ought to Pass Report of the Committee was Accepted in non-concurrence, the Bill Read Once and Tomorrow Assigned for Second Reading.

#### Senate

The following Ought Not to Pass reports shall be placed in the legislative files without further action pursuant to Rule 17-A of the Joint Rules:

Bill, "An Act to Pay for One Hundred Percent of Health Insurance Plans for State Employees." (S. P. 165) (L. D. 420)

Bill, "An Act Relating to Union School Meetings." (S. P. 384) (L. D. 1130)

Bill, "An Act Relating to Age Limit for Motor Vehicle Operator Licenses." (S. P. 14) (L. D. 77)

#### **Leave to Withdraw**

Mr. Greeley for the Committee on Transportation on Bill, "An Act Revising the Laws Relating to School Buses." (S. P. 307) (L. D. 1045)

Reported that the same be granted Leave to Withdraw.

Mr. Tanous for the Committee on Judiciary on Bill, "An Act Relating to Time when Sentence of Imprisonment Commences." (S. P. 96) (L. D. 242)

Reported that the same be granted Leave to Withdraw.

Which reports were Read and Accepted.

Sent down for concurrence.

#### **Leave to Withdraw — Covered by Other Legislation**

Mr. Clifford for the Committee on County Government on Bill, "An Act Increasing Salaries of Jury Commissioners of Cumberland County." (S. P. 195) (L. D. 540)

Reported that the same be granted Leave to Withdraw, Covered by Other Legislation.

The same Senator for the Committee on County Government on Bill, "An Act Increasing Salary of Superior Court Messenger of Cumberland County." (S. P. 198) (L. D. 543)

Reported that the same be granted Leave to Withdraw, Covered by Other Legislation.

Mr. Peabody for the Committee on County Government on Bill, "An Act Increasing Salary of Clerk of Courts of Cumberland County." (S. P. 199) (L. D. 544)

Reported that the same be granted Leave to Withdraw, Covered by Other Legislation.

The same Senator for the Committee on County Government on Bill, "An Act Increasing Salary of Deputy Clerk of Courts of Cumberland County." (S. P. 202) (L. D. 547)

Reported that the same be granted Leave to Withdraw, Covered by Other Legislation.

Which reports were Read and Accepted.

Sent down for concurrence.

#### **Ought to Pass**

Mr. Huber for the Committee on Labor on Bill, "An Act Extending the Appeal Period under Employment Security Law." (S. P. 227) (L. D. 662)

Reported that the same Ought to Pass.

Mr. Roberts for the Committee on Legal Affairs on Bill, "An Act to Extend Law Relating to Construction and Effect of Repealing Acts to Include Municipal Ordinances." (S. P. 286) (L. D. 833)

Reported that the same Ought to Pass.

Mr. Sewall for the Committee on Appropriations and Financial Affairs on Bill, "An Act Appropriating Funds to Department of the Attorney General to Print Reports of Two Attorneys General." (S. P. 335) (L. D. 1034)

Reported that the same Ought to Pass.

Mr. Conley for the Committee on Appropriations and Financial Affairs on Bill, "An Act Transferring Funds from Appropriations to other Departments to the Department of the Attorney General." (S. P. 364) (L. D. 1078)

Reported that the same Ought to Pass.

Which reports were Read and Accepted, the Bills Read Once and Tomorrow Assigned for Second Reading.

#### **Ought to Pass — As Amended**

Mr. Speers for the Committee on Judiciary on Bill, "An Act Relating to Time Period for Use of Marriage Certificate." (S. P. 315) (L. D. 981)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-39).

Which report was Read and Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted and the Bill, as Amended, Tomorrow Assigned for Second Reading.

**Divided Report**

The Majority of the Committee on State Government on Bill, "An Act to Eliminate the Advisory Committee on Public Broadcasting." (S. P. 200) (L. D. 545)

Reported that the same Ought to Pass.

Signed:

Senators:

SPEERS of Kennebec  
WYMAN of Washington  
CLIFFORD

of Androscoggin

Representatives:

CURTIS of Orono  
GOODWIN of Bath  
BUSTIN of Augusta  
CROMMETT

of Millinocket

COONEY of Sabattus  
FARNHAM of Hampden  
NAJARIAN of Portland

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft under New Title: "An Act to Clarify the Purpose of the Committee on Maine Public Broadcasting" (S. P. 467)

Signed:

Representatives:

SILVERMAN of Calais  
STILLINGS of Berwick  
SNOWE of Auburn

Which reports were Read.

Thereupon, on motion by Mr. Berry of Cumberland, Tabled and Specially Assigned for March 21, 1973, pending Acceptance of Either Report.

**Divided Report**

The Majority of the Committee on Judiciary on Bill, "An Act Relating to Hospital Reports." (S. P. 75) (L. D. 192)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-38).

Signed:

Representatives:

McKERNAN of Bangor  
KILROY of Portland  
WHEELER of Portland  
HENLEY of Norway  
GAUTHIER of Sanford  
BAKER of Orrington  
PERKINS

of South Portland

CARRIER of Westbrook  
WHITE of Guilford

**DUNLEAVY**

of Presque Isle  
The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

Signed:

Senators:

TANOUS of Penobscot  
SPEERS of Kennebec  
BRENNAN of Cumberland

Which reports were Read.

Thereupon, on motion by Mr. Brennan of Cumberland, Tabled and Tomorrow Assigned, pending Acceptance of Either Report.

**Second Readers**

The Committee on Bills in the Second Reading reported the following:

**House**

Bill, "An Act Providing Fire Protection, Dump Services and Cemetery Maintenance in Certain Unorganized Territory of Piscataquis County." (H. P. 638) (L. D. 853)

Resolve, Appropriating Funds to Prevent Sawdust Pollution at South Branch Lake and Saponac Pond in Penobscot County. (H. P. 722) (L. D. 928)

Bill, "An Act Relating to Permits to Practice Hairdressing and Beauty Culture." (H. P. 312) (L. D. 414)

Which were Read a Second Time and Passed to be Engrossed in concurrence.

**House — As Amended**

Bill, "An Act Creating Sagadahoc County Commissioner Districts." (H. P. 89) (L. D. 109)

Bill, "An Act Relating to the Taking of Alewives in the Salmon Falls and Great Works Rivers, York County." (H. P. 147) (L. D. 180)

Bill, "An Act Relating to Content of Ballots." (H. P. 442) (L. D. 591)

Which were Read a Second Time and Passed to be Engrossed, as Amended, in concurrence.

**Senate**

Bill, "An Act to Place the Position of Director, Bureau of Aeronautics and Director, Bureau of Waterways in the Classified Service." (S. P. 162) (L. D. 417)

Bill, "An Act to Reconstitute and Place a Public Member on the



Maine Real Estate Commission." (S. P. 459) (L. D. 1409)

Bill, "An Act Relating to Pollution Control in Discharge in Tidal Waters." (S. P. 455) (L. D. 1408)

Which were Read a Second Time and Passed to be Engrossed.

Sent down for concurrence.

#### Senate — As Amended

Bill, "An Act to Authorize Application and Service Fees to be Charged by the Maine Municipal Securities Approval Board." (S. P. 219) (L. D. 635)

Resolution, Proposing an Amendment to the Constitution to Permit Appointment of Judges of Probate. (S. P. 292) (L. D. 839)

Bill, "An Act to Permit the State Board of Education to Reimburse the City of Portland for School Construction." (S. P. 338) (L. D. 1037)

Which were Read a Second Time and Passed to be Engrossed, as Amended.

Sent down for concurrence.

#### Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

An Act Relating to Compensation and Expenses of the State Board of Hairdressers. (S. P. 97) (L. D. 300)

An Act to Permit Municipalities to Collect a Fee for Lodging House Licenses. (S. P. 132) (L. D. 344)

An Act Providing for the Observance of Veterans Day on November 11th. (H. P. 22) (L. D. 22)

(On motion by Mr. Schulten of Sagadahoc, temporarily set aside.)

An Act Placing the Board of Veterinary Examiners within the Department of Agriculture. (H. P. 253) (L. D. 334)

An Act Relating to Identity of Defendant in Suspension Cases under Motor Vehicle Laws. (H. P. 311) (L. D. 413)

An Act Increasing the Compensation of the Governor. (H. P. 460) (L. D. 609)

(On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.)

An Act Appropriating Funds to Provide Vocational Rehabilitation

Services to Handicapped Persons (H. P. 482) (L. D. 626)

(On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.)

Which, except for the tabled matters, were Passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

The President laid before the Senate the matter temporarily set aside by Mr. Schulten of Sagadahoc:

An Act Providing for the Observance of Veterans Day on November 11th. (H. P. 22) (L. D. 22)

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Schulten.

Mr. SCHULTEN: Mr. President and Members of the Senate: I would like to rise and oppose the enactment of this bill, and I recognize that probably standing up here to oppose a veterans' bill is not the most popular way to seek popularity. However, I do think there are a number of items here that directly affect all of us and, whether the bill is passed or not, should be a matter of record because there are tremendous forces at play here.

Now, Maine no longer lives in a vacuum. Maine can no longer say that what we do today really doesn't have any effect out in the rest of the country, nor can the rest of the country say "Well, we can do things because it will have no effect on Maine." In other words, our world has shrunk since the days of Sputnik. What is viable and what is of interest to the whole country is certainly of great interest to us here.

As I understand this bill, An Act Providing for the Observance of Veterans Day on November 11th, this would change back a date for observance of a holiday from the fourth Monday in October, which was passed by this legislature not too long ago, which was passed by the United States Congress not too long ago, and we would place this particular holiday back to November 11th, which was the date

of the original armistice for World War I. I agree wholeheartedly that this is a very noble idea that certainly those veterans of World War I suffered, bled and died for all of us, and we should not lose our sense of gratitude for all that they have done.

However, I would point out to all of us here that what we are asking Maine to do by changing this date back to November 11th, we are asking the whole state to get out of line with the activities of the rest of the country or pretty near the entire rest of the country. In other words, if we change back to November 11th we will find that when the country is celebrating Veterans Day on the fourth Monday in October, which I believe is the 22nd, the whole country will be shut down in observance of Veterans Day. Maine will continue to operate as a state, with all its functions being open serving the public. We will have no contact with the rest of the country because they will be closed down in observance of a national holiday. Conversely, when we get to November 11th we will be closed down and all the wheels of commerce, industry, and anything of interest in the world will be operating. Maine, in other words, will suffer two lost days.

Now, I don't oppose a day to honor veterans. Heavens, I think it is disgraceful that when we look back at our record of the men and women who served this country, who served them so well with their lives, with their help, why to say that we are opposed to veterans is ridiculous in the extreme. But I do say that today the date of November 11th has no longer any particular meaning. In other words, since World War I, as we all know, we have been in World War II, we have been in Korea, we have even sent troops down to South America when we thought there was to be an explosion there. In other words, we are constantly on the alert.

This doesn't even begin to mention the people, the men and women of this country, who have died in Vietnam and in Indochina. Thousands and thousands, nearly

fifty thousand, have lost their lives and hundreds of thousands have been maimed to protect this country, to protect the freedoms for all of us. So what I am trying to say is that for us to change our stance, change our legislation that we just so recently enacted, to provide a uniform day for the observance of veterans nationwide, and on an acceptable date, certainly makes sense, and for Maine to get out of line, to suffer the monetary losses — and I think we should consider that also as well as the nostalgic effects of this — after all, if our state is shut down on one day when the rest of the world is operating, and we are operating when the rest of the country is shut down, this is bound to have an economic impact on all of us.

Frankly, I fail to see why it is so sinful for us to sit here and honestly consider the earning of daily bread. I am concerned about this, and certainly if we go back to November 11th this will have a direct impact on the earning of our daily bread. This will be taking food out of the mouths of children who need nourishment. This is something — Mr. President, I seem to have said something funny; someone in the gallery tittered. But that is all right. If the gentlemen in the Senate will pardon me, I seem to have lost my train of thought from the interruption, and I am sure it was well intended, but I don't feel that this is ridiculous. If Maine loses two days of honest labor, I think it is a crime that we are perpetrating upon our citizens. I think it is going to hurt those that we love, because we will not be able to earn the living that we might otherwise. In other words, we are going to be celebrating two days of Armistice Day, whether we like it or not, if we take this action.

Certainly with the world that we live in today, November 11th, other than a nostalgic thought, has absolutely no meaning, and if the rest of the country says we will pick one day and this is the Armistice Day for all Americans, then I support that. And as a consequence of supporting that, I oppose this bill.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Richardson.

Mr. RICHARDSON: Mr. President and Members of the Senate: I would urge you to vote for the adoption of this legislative document which is now before you as an enactor. This bill was debated at the first and second reading, I believe, or the first reading, I guess.

I would like to answer the thoughtful argument presented by the good Senator from Sagadahoc, Senator Schulten. November 11 is not a missing day lost to commerce. It is rather a day in which veterans of all wars have an opportunity to remember their comrades, and those who have not served have an opportunity to express their thanks.

I think my objection to having Veterans Day join the euphoria of all other three-day weekends is that I don't want to happen to Veterans Day what has happened to Washington's Birthday, which has simply become a day when we have sales, full-page newspaper ads, and all the rest.

Secondly, it has been suggested to you that this bill is going to produce dire economic consequences to the people of Maine and all of the hungry mouths that must be fed. I am as concerned about that as the good Senator from Sagadahoc is, and I would point out to you that several states, something in the order of ten or eleven, including our sister state of New Hampshire have gone back to November 11. So if you do not vote to adopt this legislation you may very well find yourselves out of step with the majority of the states in the United States.

I would also suggest to you that the bill received a unanimous ought to pass report from the Committee on Veterans and Retirement. There was no opposition. All these dire economic consequences were not so serious that they provoked someone to appear against the bill.

Members of the Senate, I have spoken personally with many of you about this legislation. I have not lobbied it. I have not lobbied this bill. I have not asked any of you on a personal basis to vote

for it. I don't now. I ask you simply to refer to your own conscience, and that is whether or not you are going to allow Veterans Day to become just another Monday at some time of the year when you get a three-day weekend. That is my objection to it, but if it is your feeling that the forces of commerce here in Maine are so useful and necessary that we can't set aside one day in the year as a holiday that means something, then that is your decision to make and I am certainly not going to quarrel with you individually after the vote for whatever decision you think is in the best interests of the people of this state.

Mr. President, I would request that when the vote is taken that it be taken by the yeas and nays.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Morrell.

Mr. MORRELL: Mr. President and Members of the Senate: I rise in support of the Senator from Sagadahoc, Senator Schulten. I am not sure I am in agreement with the original action that changed this holiday from November 11th but, it having been done, if it is going to be changed back I would like to see it done on a national basis.

Frankly I don't see an awful lot of sense to this piece of legislation. I think it is a preoccupation of when we observe the event that took place in the First World War, but rather we should be preoccupied with how we observe the holidays or days of commemoration. I think I would rather see us introduce a bill that would make this holiday commemorating the Second World War and all other wars more meaningful rather than the preoccupation of when we are going to celebrate it. I hope we will not pass this piece of legislation.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Brennan.

Mr. BRENNAN: Mr. President and Members of the Senate: Speaking in my individual capacity, and not as the alleged leader of eleven Democrats, I would support

the motion to return to November 11. I think what we are saying here is that we are asking for a return to real tradition rather than the artificial tradition that exists on Mondays.

I can appreciate the arguments of businessmen. I think it is particularly important to people in the construction business, where they are away from home and so forth, and the day occurs during the middle of the week, such as Wednesday, that it is not very nice and it is not a very useful holiday. But I think you have got to balance the two things, tradition versus practicality, and in this instance I would like to be on the side of tradition. So, I would urge everyone to support the return to November 11.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President and Members of the Senate: I didn't intend to get up and speak on this bill. I had hoped that the Senator from Hancock, Senator Anderson, would be here, but he is not.

There are a couple of statements that were made this morning that I would like to refute. One has already been mentioned by the Senator from Cumberland, Senator Richardson, about the significance of the day, and a few years ago when this was changed that was the big problem that I had in my mind; on these weekend holidays we lose the significance of the day. I think by Maine going along with these other ten or eleven states in showing the federal government or the Congress that we are in favor of going back to these original holidays it is setting a trend.

As far as the statements made about the regularity of the banks being closed on one day and the post office being closed on another, we, along with our sister states of Massachusetts and New Hampshire, have holidays which are not in accord with other holidays throughout the country, namely: the 19th of April and 12th of October, when the post offices are open, the banks are closed,

and schools are closed on some occasions. So we don't seem to run into an awful lot of difficulty on that, so I can't see that that is much of an argument.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: I would rise in support of the motion for enactment. I think this is an example of far too many bills we have before the legislature where the only thing in consideration is the almighty dollar. For far too long have we decided on this basis, and I think here is a very clear-cut issue where we can say that the veterans of all wars deserve a little bit of attention one day a year.

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Schulten.

Mr. SCHULTEN: Mr. President and Members of the Senate: May I just make one observation. While I am old enough to remember World War I, I am not old enough to serve in it. But if I were a veteran of any other war, I would certainly feel discriminated against by saying I had to celebrate November 11th because the people of World War I are the ones that set the date. I think we have too many veterans in this country today who deserve recognition, and for a common day that will include everybody, is much more important than going back to a nostalgic one day that was for a war to end all wars. It didn't work out that way; let's be realistic. When the Congress of the United States changes the date let's go with the Congress. In the meantime let's stay with reason.

I just feel very strongly that we are really saying to the veterans of Korea, World War II, Viet Nam, and all the casualties we have suffered that in our hearts, fellows and gals, November 11th is the day because that is the day we woke up and found that we had real heroes in this country. If I were a veteran I would feel pretty badly about that.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Richardson.

Mr. RICHARDSON: Mr. President and Members of the Senate: I truly hate to belabor this, but I feel that perhaps the good Senator from Sagadahoc, Senator Schulten, has missed a point which I have attempted to make. That is that as a Korean Veteran it is not a matter to me of any significance what particular day we pick out, whether the Armistice Day is VE Day, VJ Day, or the end of World War I. I would like to have us have a day that simply doesn't drop into the bottomless pit of three-day weekends, a day when all of us all over the United States, and here in Maine particularly, set aside a day that we are going to honor. As a Korean Veteran, I am not at all concerned if this is November 11th.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the enactment of Bill, An Act Providing for the Observance of Veterans Day on November 11th. A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The Chair will state the question before the Senate once again. The pending question before the Senate is the enactment of Bill, An Act Providing for the Observance of Veterans Day on November 11th. A "Yes" vote will be in favor of enactment; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Aldrich, Berry, Brennan, Cianchette, Clifford, Conley, Danton, Fortier, Greeley, Hichens, Joly, Marcotte, Minkowsky, Richardson, Roberts, Sewall, Shute, and Speers.

NAYS: Senators Cox, Cummings, Graffam, Huber, Morrell, Peabody, Schulten, and President MacLeod.

ABSENT: Senators Anderson, Cyr, Katz, Kelley, Olfene, Tanous, and Wyman.

A roll call was had. Eighteen Senators having voted in the affirmative, and eight Senators having voted in the negative, with seven Senators absent, the Bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: Having voted on the prevailing side, I move reconsideration.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves that the Senate reconsider its action whereby Bill, An Act Providing for the Observance of Veterans Day on November 11th was passed to be enacted. As many Senators as are in favor of reconsideration will please say "Yes"; those opposed "No".

A viva voce vote being taken, the motion did not prevail.

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Resolve, to Repeal Certain Special Resolve Pensions. (H. P. 291) (L. D. 365)

Resolve, Authorizing the Commissioner of Parks and Recreation to Convey by Sale the State's Interest in Certain Real Property at Lubec. (H. P. 499) (L. D. 652)

Which were Finally Passed and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

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#### Emergency

An Act to Revise the Maine Municipal Bond Bank Act. (S. P. 207) (L. D. 551)

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Sewall.

Mr. SEWALL: Mr. President, may I pose a question through the Chair to either the Chairman of the State Government Committee or the sponsor of this legislation, and request that they very briefly explain the context of this L. D.?

The PRESIDENT: The Senator from Penobscot, Senator Sewall, has posed a question through the Chair which any Senator may answer if he desires.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: Would the Secretary inform the Senate whether or not there is an amendment on this?

The SECRETARY: There is no amendment.

Mr. SPEERS: Mr. President and Members of the Senate: The reason for this particular bill in large measure results from the recent Supreme Court decision in Fuentes Case, which states that property of an individual may not be taken without a hearing.

In the Municipal Bond Bank Act, municipal security has been defined through a reference to another part of the law which states that a municipal security is any indebtedness of a town for which the property of the residents of that town may be taken should there be a default on that security. That particular provision is under very severe question as a result of Fuentes decision of the Supreme Court, and what this bill will do is revise the municipal bond bank act to provide a definition of municipal security which will not be in question under the Supreme Court decision. It is a rather confusing matter and I hope that sheds some light on it.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, this being an emergency measure and having received the affirmative votes of 22 Senators, with three Senators voting in the negative, the Bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

#### Orders of the Day

The President laid before the Senate the first tabled and today assigned matter:

House Reports — from the Committee on County Government on Bill, "An Act Relating to Effective Date of Salary Increases of County Officers." (H. P. 210) (L. D. 283) Majority Report — Ought to Pass; Minority Report — Ought Not to Pass.

Tabled — March 14, 1973 by Senator Roberts of York.

Pending — Acceptance of Either Report.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Roberts.

Mr. ROBERTS: Mr. President and Members of the Senate: As Chairman of this Committee, I would like to explain what has brought this about and a little of its history.

Years ago the various salary bills for the so-called legislative officers of the counties were brought in, passed, and were retroactive on the most part back to January 1st of the year the legislature passed the bill. Occasionally they were not required to be by virtue of the wording of the act, but if the act were so worded that was what occurred.

Following this, some five, six, or maybe ten years ago, it was enacted these salary increases should not be retroactive, but rather take place the first of January of the year following the session of the legislature that passed them.

We now have two slightly different factors that come into being on salary situations with respect to all jobs, but particularly with respect to county jobs, and they are this: First of all, we have had for the last seven or ten years anyway an increase in the cost of living which has gone along pretty much at four to five per cent a year. Secondly, because of that we have a situation where county commissioners in most of the counties have given pay raises, called cost-of-living pay raises, or at least used that as an excuse for giving them, to start with the first of January of each year, and they raised salaries in most of these counties for the clerks and the people working in them five per cent a year. Each time they made a budget they provided a five per cent raise for two years in advance, for the present year coming up and the following year. As a result, in some cases some of the clerks and deputies actually were getting more money than the heads of departments.

The other problem this year is the one of price stabilization, and we in the committee have heard

all sorts of arguments and opinions that price stabilization didn't actually affect this situation. But as near as we can find out, having our committee meet with Mr. Thomas Libby of the Internal Revenue Department, who is in charge of wage stabilization, he advised us that by and large if the counties have sixty employees they do come under wage-price stabilization. Now, to figure out if they have sixty or not means that you have to take into consideration, according to Mr. Libby, all the part-time employees, which includes deputy sheriffs, so as near as I can ascertain as of now I don't believe there is a single county in the State of Maine that doesn't have, when you count all the people working in the jails and the part-time deputy sheriffs, along with the rest of the full-time employees, that you don't have sixty people and you don't come under this act.

Coming under this act we can only give 5.5 as a raise, and if we give it, as we would have to now, it would be effective next year, and that would be 5.5 for two years, and that would be it, even though the people working in the courthouse, the clerks and so forth, in many instances would get 5 or 5.5 percent raises each year.

Another reason for this bill is the fact that we have these two different things going on. We have the county giving raises effective in January each year for some of the employees, and only every other year for those that are the constitutional officers or state salary controlled officers.

The main reason why this law was changed to cease to be retroactive, as I understand, was because of the fact that for instance, our own body, the legislature, cannot raise their own salaries; we can only raise them effective the next term of the legislature. Along that vein, I say a person who ran for the office knew what the office paid, and, therefore, should be satisfied with the pay. I think that particular argument has some effect as far as the person running for the job for the first time, he does know. He doesn't know much about the

job, he doesn't have much experience, and so on, and he should take what he gets. Take the county commissioner, once he gets in the job he is there for six years. Should he stay a whole term and then ask for a raise? A lot of the other offices are four-year offices, and the same applies there.

I feel that the committee itself can pass upon whether a new officer who is asking for a raise and we can also decide whether or not he should have a raise. But I think somebody who hasn't had a raise for six years, just because he wants to have it retroactive, there is no reason he should have to wait still another year, or say five years.

This in general is the argument for and against this. The committee was unanimous but one. There was one member of the committee who voted against the majority. The majority was all but one member who were in favor of doing away with the present law of having the statute effective a year from the date and making it retroactive. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President, for the reasons given by the Senator from York, Senator Roberts, I would move that the Senate accept the Majority Ought to Pass Report in non-concurrence.

The PRESIDENT: The Senator from Androscoggin, Senator Clifford, moves that the Senate accept the Majority Ought to Pass Report of the Committee in non-concurrence. Is this the pleasure of the Senate?

Thereupon, the Majority Ought to Pass Report of the Committee was Accepted in non-concurrence, the Bill Read Once and Tomorrow Assigned for Second Reading.

The President laid before the Senate the second tabled and today assigned matter:

House Report — from the Committee on County Government. Bill, "An Act to Increase Fees of Deputy Sheriffs." (H. P. 297) (L. D. 399) Ought to Pass as Amended by Committee Amendment 'A'.

Tabled — March 15, 1973 by Senator Hichens of York.

Pending — Acceptance of Report.

On motion by Mr. Hichens of York, the Ought to Pass as Amended Report of the Committee was Accepted in concurrence and the Bill Read Once.

Committee Amendment "A" was Read and Adopted and the Bill, as Amended, Tomorrow Assigned for Second Reading.

The President laid before the Senate the third tabled and today assigned matter:

House Report — from the Committee on Taxation, Bill, "An Act Relating to Due Date for Pay-

ment of Inheritance Taxes." (H. P. 15) (L. D. 15) Ought to Pass in New Draft.

Tabled — March 15, 1973 by Senator Roberts of York.

Pending — Acceptance of Report.

Thereupon, on motion by Mr. Clifford of Androscoggin, retabled and Specially Assigned for March 22, 1973, pending Acceptance of Either Report.

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(Off Record Remarks)

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On motion by Mr. Sewall of Penobscot,

Adjourned until ten o'clock tomorrow morning.